

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY BONN

C O N F I D E N T I A L STATE 148244

E.O. 11652: GDS

TAGS: PGOV, US, GW

SUBJECT: YOUNG LOAN PROCEEDINGS

REF: BONN 9223

1. DEPARTMENT APPRECIATES EMBASSY'S REPORT ON THE MEETING IN GENEVA REGARDING THE YOUNG LOAN PROCEEDINGS.
2. DEPARTMENT CONCURS IN THE AGREED POSITION SET FORTH IN PARAGRAPH 11 REFTEL TO BE TAKEN BY THE REPRESENTATIVES OF THE APPLICANT STATES AT THE JUNE 16 MEETING WITH THE TRIBUNAL.
3. IN THE JUNE 16 MEETING THE UNITED STATES AGENT SHOULD MAINTAIN THE POSITION THAT TESTIMONY SHOULD BE GIVEN ON THE BASIS OF ORAL EXAMINATION RATHER THAN THROUGH WRITTEN STATEMENTS. IN THE EVENT THAT WRITTEN STATEMENTS HAVE TO BE SUBMITTED BECAUSE OF THE INABILITY OF WITNESSES TO BE PRESENT, THE OPPOSING SIDES SHOULD BE AFFORDED AN OPPORTUNITY TO EITHER EXAMINE THE WITNESS REGARDING THE
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CONTENTS OF THE STATEMENT OR, AT THE LEAST, TO SUBMIT INTERROGATORIES WITH REGARD TO THE STATEMENT.

4. WITH RESPECT TO THE ISSUES RAISED IN THE DOCUMENT OF JUNE 1, 1978, PREPARED BY THE FRENCH AGENT DELMAS ON THE RULES OF PROCEDURE OF THE TRIBUNAL, THE U.S. AGENT SHOULD MAKE THE FOLLOWING COMMENTS (THE NUMBERING FOLLOWS THAT

EMPLOYED IN THE DELMAS PAPER);

6(E): PRESS SHOULD BE INTERPRETED TO INCLUDE RADIO AND TELEVISION. IT SHOULD ALSO BE INTERPRETED TO INCLUDE THE PRESS OF ALL THE PARTIES TO THE ACTION.

17(A): THE DEFENDANT SHOULD BE ASKED TO MAKE AVAILABLE THE ANNEXES TO THE WALLENBORG DECLARATION OF AUGUST 31, 1973.

18(A): THE PLAINTIFFS SHOULD SUGGEST TO THE DEFENDANT THE DESIRABILITY OF MAKING COPIES OF THE ARTICLES BY ERNST AND EBERT AVAILABLE IN FRENCH AND ENGLISH.

30: GIVEN THE COMMON NATURE OF THE CASE THE PLAINTIFFS SHOULD INSIST ON A RIGHT OF CONSULTATION BEFORE REPLYING TO QUESTIONS FROM THE BENCH. HOWEVER, PLAINTIFFS SHOULD AGREE AMONG THEMSELVES THAT COUNSEL WILL HAVE TO DETERMINE, IN THE CIRCUMSTANCES, WHETHER CONSULTATION IS NEEDED.

35: THE U.S. AGENT SHOULD SUPPORT THE POSITION THAT THE HEARINGS SHOULD BE OPEN TO THE PUBLIC.

5. THE U.S. AGENT IS REQUESTED TO CONVEY TO AGENT DELMAS THE APPRECIATION OF THE UNITED STATES FOR THE INTENSIVE CONFIDENTIAL

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STUDY HE HAS MADE OF THE CASE AND THE MATERIALS HE HAS MADE AVAILABLE. VANCE

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Message Attributes

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